



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

CHRISTINA BLACK,
Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS,
Defendant.

§
§
§
§ CIVIL ACTION NO. 8:16-00091-MGL-KFM
§
§
§
§

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND GRANTING IN
PART AND DENYING IN PART DEFENDANT'S FIRST MOTION TO DISMISS

Plaintiff filed this case pursuant to the Family Medical Leave Act (FMLA), 29 U.S.C. § 2601. The parties are represented by excellent counsel. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant's First Motion to Dismiss be granted in part and denied in part as to the FMLA claim and granted as to the wrongful discharge in violation of public policy claim. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 27, 2016, and Plaintiff filed her objections to the Report on August 15, 2016. The Court has reviewed the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

In light of the standards set forth above, the Court has reviewed, de novo, the entire record in this case, including, in particular, the Magistrate Judge's Report and Plaintiff's objections. The Court has considered each of Plaintiff's objections and finds that none of Plaintiff's arguments effectively counter the reasoned conclusions of the Magistrate Judge, including the Report's central conclusions: (1) that the facts fail to state a claim to relief that is plausible on its face under the family care provision of the FMLA; and (2) that Plaintiff's allegations fail to state a claim for wrongful discharge of public policy.

Based upon all the foregoing, the Court concurs with the reasoning of the Magistrate Judge, overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendant's First Motion to Dismiss is **GRANTED IN PART AND DENIED IN PART** as to the FMLA claim and **GRANTED** as to the wrongful discharge in violation of public policy claim.

IT IS SO ORDERED.

Signed this 22nd day of August, 2016, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE